

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY TABAREZ,

Plaintiff, No. CIV S-04-0360 LKK PAN P

vs.

DIANA BUTLER, et al.,

Defendants. ORDER

Plaintiff is a prisoner without counsel seeking relief pursuant to 42 U.S.C. § 1983.

On November 28, 2005, plaintiff filed a motion to compel responses to interrogatories upon the ground defendant Max Lemon had not served responses to plaintiff's First Set of Interrogatories.

On December 1, 2005, defendant Lemon filed an opposition.

Plaintiff served his First Set of Interrogatories on October 1, 2005. On October 28, 2005, counsel for defendant Lemon served responses by mail but they were returned because the recipient could not be located. Counsel located a different "CSP" number from one of plaintiff's filings and served the responses a second time using that number and the response has not been returned to counsel.

The court finds that defendant Lemon served responses to plaintiff's First Set of Interrogatories.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's November 28, 2005,
2 motion for order granting relief is denied.

3 DATED: April 7, 2006.

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5 **UNITED STATES MAGISTRATE JUDGE**
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